



General Assembly

Amendment

January Session, 2009

LCO No. 6200

SB0087606200SRO

Offered by:

SEN. FASANO, 34th Dist.

SEN. BOUCHER, 26th Dist.

To: Subst. Senate Bill No. 876

File No. 809

Cal. No. 524

**"AN ACT CONCERNING LIABILITY OF NURSING HOME OWNERS
FOR NEGLIGENCE AND ABUSE OF NURSING HOME RESIDENTS."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsection (a) of section 52-572h of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective*
5 *October 1, 2009, and applicable to actions filed on or after said date*):

6 (a) For the purposes of this section: (1) "Economic damages" means
7 compensation determined by the trier of fact for pecuniary losses
8 including, but not limited to, the cost of reasonable and necessary
9 medical care, rehabilitative services, custodial care and loss of earnings
10 or earning capacity excluding any noneconomic damages; (2)
11 "noneconomic damages" means compensation determined by the trier
12 of fact for all nonpecuniary losses including, but not limited to,
13 physical pain and suffering and mental and emotional suffering; (3)
14 "recoverable economic damages" means the economic damages

15 reduced by any applicable findings including but not limited to
16 set-offs, credits, comparative negligence, additur and remittitur, and
17 any reduction provided by section 52-225a; (4) "recoverable
18 noneconomic damages" means the noneconomic damages reduced by
19 any applicable findings including, but not limited to, set-offs, credits,
20 comparative negligence, additur and remittitur; (5) "health care
21 institution" means a health care institution licensed pursuant to
22 chapter 368v; and (6) "health care provider" means an individual
23 provider of health care licensed pursuant to chapters 370 to 373,
24 inclusive, or 375 to 383c, inclusive, chapter 368d, 384a, 388, 398 or 399,
25 or a pharmacist or other person, other than a health care institution,
26 licensed pursuant to chapter 400j.

27 Sec. 502. Section 52-572h of the general statutes is amended by
28 adding subsection (p) as follows (*Effective October 1, 2009, and applicable*
29 *to actions filed on or after said date*):

30 (NEW) (p) In any action filed on or after October 1, 2009, to recover
31 damages resulting from personal injury or wrongful death, whether in
32 tort or in contract, in which it is alleged that such injury or death
33 resulted from the professional negligence of a health care provider or
34 health care institution, or both, in the medical diagnosis, care or
35 treatment of the claimant, the amount of recoverable noneconomic
36 damages allowed the claimant shall not exceed two hundred fifty
37 thousand dollars for each claimant with respect to defendant health
38 care providers and defendant health care institutions, regardless of the
39 number of defendant health care providers and defendant health care
40 institutions against whom the claim is asserted or the number of
41 separate causes of action on which each claim is based."